

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

COUNTY OF BUTLER, <i>et al</i> ,	:	No. 2:20 cv 677 - WSS
	:	
<i>Plaintiffs</i> ,	:	
	:	
v.	:	
	:	
THOMAS W. WOLF, <i>et al</i> ,	:	
	:	
<i>Defendants</i> .	:	

PLAINTIFFS' MOTION TO REOPEN AND
SCHEDULE ARGUMENT/HEARING ON MOTION FOR ATTORNEYS' FEES

The Plaintiffs in this case, by and through their Attorneys, file the within Motion, the following of which is a statement:

1. This case involved a challenge to Defendants' Orders, including Business Closure Orders and Stay at Home Orders, in response to the COVID-19 pandemic.
2. Plaintiffs prevailed on several of the claims made in this action by Order of this Court entered September 22, 2020 (Document 90).
3. Plaintiffs filed a Motion for Attorneys' Fees on September 28, 2020 (Document 96).
4. Defendants filed an appeal on September 22, 2020 to the United States Court of Appeals for the Third Circuit, from this Court's September 14, 2020 decision (Document 92).
5. On October 15, 2020, an unopposed Motion to Stay Motion for Attorneys' Fees was filed with this Court (Document 101).

6. On October 16, 2020, this Court granted the unopposed Motion to Stay Motion for Attorneys' Fees (Document 102).

7. On August 11, 2021, the United States Court of Appeals for the Third Circuit entered a Judgment on Defendants' Appeal (Document 103). The Judgment filed with this Court dismissed Defendants' Appeal, vacated this Court's Order entered on September 22, 2020, and remanded the case to this Court with instructions to dismiss the Complaint as moot.

8. The Third Circuit did not decide the issue of counsel fees in this matter.

9. A Mandate was entered on the Docket in this case on September 1, 2021 (Document 103).

10. This Court issued an Order dated September 7, 2021 dismissing Plaintiffs' Complaint and terminating the Motion for Attorneys' Fees (Document 104).

11. Plaintiffs submit that as the substantially prevailing party in the District Court, Plaintiffs' Motion for Attorneys' Fees is still viable.

12. Plaintiffs request that this Court enter an Order reopening this case and scheduling the Plaintiffs' Motion for Attorneys' Fees for a conference, argument, or hearing, as deemed appropriate by the Court.

WHEREFORE, Plaintiffs respectfully request this Honorable Court issue an Order reopening this case; schedule a conference, argument, or hearing on Plaintiffs' Motion for Attorneys' Fees; and, such other relief as this Court Orders.

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